

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

HONORABLE DENISE PAGE HOOD

v.

No. 21-20264

YLLI DIDANI,

Defendant.

/

STATUS CONFERENCE
Thursday, May 9, 2024

Appearances:

Mark Bilkovic/Timothy McDonald U.S. Attorney's Office 211 W. Fort Street, #2300 Detroit, Michigan 48226 313.226.9100 mark.bilkovic@usdoj.gov On behalf of Plaintiff	Wade Fink Wade Fink Law, P.C. 550 W. Merrill Street, #100 Birmingham, MI 48009 248.712.1054 wade@wadefinklaw.com On behalf of Defendant
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To obtain a certified transcript, contact:
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Transcript produced using machine shorthand and CAT software.

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E X H I B I T S

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None Marked, Offered or Received

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1 Detroit, Michigan

2 Thursday, May 9, 2024

3 || 9:23 a.m.

4 || — — — —

9 Calling Case No. 21-20264, United States of America
10 versus Ylli Didani.

11 Appearances, please.

14 MR. McDONALD: Morning.

15 THE COURT: Good morning.

19 THE COURT: Okay. Good morning to both of you.

THE DEFENDANT: Good morning, your Honor.

21 || **THE COURT:** You may all be seated.

22 Okay. I guess I thank the marshals for getting

23 Mr. Didani here early because I know that he wanted to be able
24 to get back to his facility and I think this will accommodate
25 that, right?

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1 **THE MARSHAL:** Yes, your Honor.

2 **THE COURT:** All right. Thank you.

3 I think we're here to set some new dates, right --

4 **MR. FINK:** Yes, your Honor.

5 **THE COURT:** -- for trial, or at least going forward
6 to trial.

7 **MR. FINK:** Yes, your Honor. There's a couple issues
8 that need to be addressed. My client's intention is to proceed
9 to a trial in this matter, and as we discussed at the prior
10 hearing, there are some other motions that I think have some
11 legal merit that Mr. Didani is -- would rather proceed to trial
12 under his Speedy Trial rights of what's left of the Speedy
13 Trial clock.

14 However, there are issues of representation and
15 issues of co-counsel, who is not present today. My concern is
16 Mr. Didani and I have a unique relationship, and while I care
17 very much and have worked very hard on the case, Mr. Didani is
18 unclear as to whether he'd like me to continue as his lawyer or
19 not. I think the same is true of Mr. Kaplan in New York.

20 My suggestion to the Court is to have all parties be
21 present, Mr. Didani, to reflect on what he wishes for his
22 representation in terms of whether he would like to proceed
23 with his current counsel, whether his current counsel in
24 New York is intending to proceed, and if not, for what reasons.
25 So I'm asking the Court, I think, to set a very short period of

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1 time, if possible and accommodated by the schedule, to allow
2 all parties to be present, including New York counsel, who I've
3 expressed to you in the past was supposed to be trial counsel
4 in this matter. You know, my representation was supposed to be
5 for motion work, which now appears to be completed. So that's
6 what I would ask, Judge, is that we all be present to
7 meaningfully pick a date or choose his representation.

8 **THE COURT:** What's the Government's position on that?

9 **MR. BILKOVIC:** Would your Honor like me to stand or
10 sit?

11 **THE COURT:** You can sit; it doesn't matter.

12 **MR. BILKOVIC:** Okay.

13 Your Honor, I think that's a prudent course of
14 action, because the position that we have is, we have
15 approximately 60 trial witnesses. We have at least 10 that are
16 located outside of the United States in Europe and
17 South America, so it's important for us to get a firm trial
18 date, and I don't know that we can do that without having all
19 parties present.

20 I did reach out to Mr. Kaplan earlier this week
21 discussing the trial date. I did not hear back from him, so I
22 think it is a prudent course of action to adjourn this matter
23 for a short period of time and have all counsel present to
24 discuss a future trial date.

25 **THE COURT:** Okay. And how long do you think the

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1 trial is going to take with 60 witnesses?

2 **MR. BILKOVIC:** I would anticipate approximately six
3 weeks. The only caveat that I would put on that is it's --
4 we've been advised that the defense will not be stipulating to
5 anything. There are a lot of business records, so there might
6 be some extra dates in there just authenticating things, but I
7 would estimate approximately six weeks.

8 **THE DEFENDANT:** Your Honor, I'd like to speak.

9 **THE COURT:** I am going to let you speak, but first I
10 want to ask you a question.

11 Mr. Didani, do you expect -- have you been expecting
12 that Mr. Kaplan will be the trial counsel?

13 **THE DEFENDANT:** My family had hired Barry Goldberg
14 and Brian Kaplan, you know, from the beginning. It's been
15 almost three and a half years now, your Honor. And then
16 Mr. Fink, he came out after Camilla Barkovic, who was removed
17 from the case, and Mr. Fink is now. So it's been over three
18 and a half years, you know. I'm sure you know a lot of the
19 stuff they had requested, and Barry Goldberg and Brian Kaplan
20 was --

21 **THE COURT:** Okay. Well, Mr. Goldberg has never filed
22 an appearance with the court. Mr. Kaplan has an appearance, so
23 are you expecting that he will appear eventually?

24 **THE DEFENDANT:** I'm expecting him to appear. My
25 family has paid for Mr. Goldberg and Mr. Brian.

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1 **THE COURT:** Have you had contact with him yourself?
2 Don't tell me the substance of it, but have you had any --

3 **THE DEFENDANT:** No, your Honor. The last time we had
4 the hearing on April 23, basically -- April 24 when we have the
5 hearing, and before that it was a year after that. They tell
6 my family they working on a -- so, you know, they waiting.

7 **THE COURT:** Okay. So why don't I do this: I'm going
8 to -- well, what would you like to say and then I'll tell you
9 what I'm thinking of doing.

10 **THE DEFENDANT:** I wanted to bring some issues, you
11 know, varying issues, like, I've been bothered by these
12 proceedings, you know, and I'm sure -- your Honor, you know,
13 please, give me the time and hear me, you know, please.

14 **THE COURT:** I am waiting.

15 **THE DEFENDANT:** I was brought from North Carolina
16 in -- I went to North Carolina March 31, 2021, your Honor, you
17 know, and from there I was brought to Detroit. Only was one
18 complaint, and three counts of 841, 841, 846, Count 2 was
19 Title 46, 7053, and Count 3 was -- it was money laundering. I
20 have -- this is only the complaint, your Honor. I have a -- I
21 was -- on April 21, the Grand Jury came back with only Count 1,
22 which was 841, 846 with a one-page indictment. Not sure why
23 they -- they probably take a piece of evidence to reach Count 2
24 and Count 3.

25 So in Count 1, 841, 846, my attorney at that time,

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1 Camilla Barkovic, filed a bill of particular because of the --
2 in the indictment, it's only alleged that there was \$450,000
3 connected to a mystery conspiracy, so she filed a bill of
4 particulars motion. What -- we had a hearing, your Honor,
5 May 7th, 2021, and we had a hearing in June -- July 21. I have
6 a bill of particulars answered 11 months later, your Honor.
7 And the basis of the bill of particulars was a superseding
8 indictment that I knew what I was facing on the -- based on the
9 superseding indictment. But bill of particular, your Honor,
10 with all due respect, was to the first indictment.

11 As we go, we had a hearing. The Government ask --
12 asked your Honor for one year the Speedy Trial, based on two
13 things: Asking consent for -- from Portugal and Sky SEC
14 (phonetic), and all those stuff are done six months after my
15 indictment and my arrest. Taken to Portugal -- Portugal never
16 consented to the United States about the prosecution, and the
17 Sky SEC, your Honor, the Government knew way before my arrest
18 and my indictment that -- that the Sky SEC evidence existed in
19 Belgium and in France, but for some reason the Government
20 waited until August to file for those evidence using
21 application 3292, a backdoor under --

22 **THE COURT:** Let me interrupt you for a minute, okay?

23 **THE DEFENDANT:** Yes, your Honor.

24 **THE COURT:** I know that you want to go through the
25 status of your case, but I'm trying to move your case forward.

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1 Okay?

2 **THE DEFENDANT:** Yes, your Honor.

3 **THE COURT:** We're not going to get to move your case
4 forward just by going back and reciting what's occurred up
5 until this point. Okay? And I'm not sure if you're reciting
6 what has occurred to make a request of the Court or not, but it
7 seems to me that I need to have your main attorney of record,
8 Mr. Kaplan, present so I can know whether or not he's going to
9 do anything. Okay? And apparently nobody's heard from him.
10 You haven't heard from him.

11 **MR. FINK:** No, I've spoken to him, Judge, but it's
12 been unclear about what his position is in terms of being trial
13 counsel, whether Mr. Goldberg intends to enter the case, and I
14 think that the Court and I will benefit from the clarity of
15 having him here. But I've spoken to him; he's not missing.

16 **THE COURT:** Have you spoken to him since the last
17 time you were here?

18 **MR. FINK:** Yes, your Honor. Yes. And I indicated --

19 **THE COURT:** And did he have any intention of coming
20 and setting a trial date?

21 **MR. FINK:** I indicated to him that it would be
22 beneficial for him to be here and he's not, so --

23 **THE COURT:** Mr. Didani, I'm kind of prepared to order
24 him come to court. Do you have a problem with that?

25 **THE DEFENDANT:** No, I don't have a problem, your

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1 Honor. I just want to go ahead with -- it's been three and a
2 half years right now. You know, my mom has cancer. My dad has
3 cancer. My family is dying everywhere. The Government taking
4 their time, you know. They can ask for the consent whenever
5 they want to. You know, I'm -- being three and a half years, I
6 want to go ahead, go ahead with this process.

7 **THE COURT:** Okay.

8 **THE DEFENDANT:** And so my family, they will know my
9 fate, you know. And, your Honor, day after our hearing, the
10 motion in April 17, one day, April 18, it's ironically, on the
11 night in use, your Honor, every -- even Greskovic, The Wall
12 Street Journal, was -- he's in Russia right now -- was charged
13 with (indiscernible). It's been -- they had a bond hearing for
14 -- a bond hearing, and, ironically, Antony Blinken then comes
15 on TV and say how slow the process is for one year processing
16 everything, but I'm here three and a half years, your Honor. I
17 want to move forward this process.

18 Also, your Honor, I want to bring to your attention
19 something that occurred on April 24 when we have a hearing, as
20 far as my attorney and the Government, without my consent,
21 stipulated to a factual finding on MDLEA. There's a problem
22 with that, your Honor. You cannot stipulate to a factual
23 finding. I can back up the cases --

24 **THE COURT:** Okay. Mr. Didani, that's something that
25 needs to be presented in court other than --

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1 **THE DEFENDANT:** I will present it. You know, I like
2 to present it because my attorney -- those are my MDLEA issues.
3 There's a jurisdiction issue, and he cannot -- it's the court,
4 11th Circuit, I can back it up with the courts. You cannot
5 stipulate --

6 **THE COURT:** I know, and all I'm saying is that you
7 can't do that orally this morning, okay?

8 **THE DEFENDANT:** I will -- your Honor, I will send it
9 to you, but I --

10 **MR. FINK:** It's important, though, that Mr. Didani
11 understands, your Honor, that in filing an additional motion or
12 asking you to review something is not in the best interest of
13 having a speedy trial, so that is the struggle that we're
14 having.

15 **THE DEFENDANT:** This is a struggle that will be
16 sitting three and a half years, your Honor. You know, my
17 attorney say, if we file a motion, we're going to hold you
18 another two years. It's sad. It's sad situation, your Honor.

19 **MR. FINK:** Never said two years.

20 **THE DEFENDANT:** My whole family is dying. Mother has
21 cancer. My daddy has cancer. My everybody -- we're just
22 sitting over here. Give them the peace so they can find out my
23 fate.

24 **THE COURT:** Okay.

25 **THE DEFENDANT:** And the Government play too many

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1 games over here. They said be ready, be ready.

2 **THE COURT:** Mr. Didani, nobody gets to raise their
3 voice, unless I --

4 **THE DEFENDANT:** I'm sorry, your Honor.

5 **THE COURT:** -- unless I raise mine first.

6 **THE DEFENDANT:** I apologize.

7 **THE COURT:** So don't raise your voice, please.

8 **THE DEFENDANT:** I won't. And the Government, your
9 Honor, you know, they be lying to you. I won't affect another
10 thing. They say, you know, in your opinion, your Honor, you
11 had the money coming, it was coming back from to the
12 United States. That's not true. That's Canada, but your
13 Government never clear up to that. It says North -- North --
14 North -- it's North America. Your Government -- it was not
15 exclusive. All the armored vehicles, they're in Canada
16 company, and the payment, it was laid down by Dubai Bank to
17 Canada.

18 **THE COURT:** Well, that is a challenge to my opinion
19 that you have --

20 **THE DEFENDANT:** An opinion about --

21 **THE COURT:** That you can't -- you can't make it
22 orally.

23 **THE DEFENDANT:** But, yes, your Honor. The thing is,
24 you did the opinion based on what they said, and they lied to
25 you, your Honor. They lied to you. North America --

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1 **THE COURT:** That's why --

2 **THE DEFENDANT:** North America -- North America is
3 Canada, is United States, even Mexico at this point, you know.

4 **MR. FINK:** Also -- hold on, Mr. Didani.

5 Also probably worth noting, Mr. Didani, that any
6 statements you're making can also be used about the countries
7 and money and those things, so just be cautious about what you
8 say.

9 **THE COURT:** Mr. Didani.

10 **THE DEFENDANT:** I want to make it clear that --

11 **THE COURT:** Mr. Didani.

12 **THE DEFENDANT:** Yes.

13 **THE COURT:** I cannot hear those arguments this
14 morning. Okay? And I'm going to require Mr. Kaplan to come.

15 **THE DEFENDANT:** Yes, your Honor.

16 **THE COURT:** You can make all your complaints to him
17 and then he can say, Judge, I think all these things went wrong
18 and some way of curing it, or he can set a trial date.

19 **THE DEFENDANT:** Your Honor, hear me out, please.

20 **THE COURT:** I can't hear your challenge to opinions
21 that I've made this morning. Okay? We came this morning to
22 set a trial date.

23 **THE DEFENDANT:** Well, let's go with trial date, then,
24 your Honor.

25 **THE COURT:** Okay.

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1 **THE DEFENDANT:** I want as soon as possible trial
2 date.

3 **THE COURT:** Okay.

4 **THE DEFENDANT:** I want to give peace to my family,
5 and the Government has no reason to --

6 **THE COURT:** Mr. Didani, I heard that. I hear what
7 you say, so when you say that you want to give peace to your
8 family, this is about the fourth time you said it. I've heard
9 it. Okay?

10 **THE DEFENDANT:** Thank you. I appreciate it, your
11 Honor.

12 **THE COURT:** But I need to get your attorney of record
13 to come here, so I am going to order your attorney of record to
14 come and we'll set a trial date on that date if necessary.

15 Okay?

16 **THE DEFENDANT:** I appreciate it, your Honor.

17 **THE COURT:** Okay. And you can have an opportunity to
18 speak with him and determine whether or not he wants to make
19 any challenges to anything that's been done, although your
20 current attorney has brought some very good motions and some of
21 them he hasn't prevailed on, that's why the Court of appeals
22 exists.

23 And I will be the first one to admit that judges are
24 not infallible. Sometimes they make mistakes and the Court of
25 Appeals might decide that I decided something in error. The

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1 other side is they may not. But you should know that if you
2 challenge it in this court, it stops the clock. Every time
3 some kind of motion is brought, it stops the Speedy Trial
4 clock.

5 The other thing that you should know is exactly what
6 your attorney said, whatever you're saying on the record now,
7 the Government has the right to use that later.

8 **THE DEFENDANT:** Of course.

9 **THE COURT:** Okay?

10 **THE DEFENDANT:** I understand the right of Government,
11 your Honor.

12 **THE COURT:** Okay. But I --

13 **THE DEFENDANT:** I have started more than a thousand
14 cases of MDLEA. I don't think the government is even ready to
15 fight the argument against me against MDLEA.

16 **THE COURT:** That might be right.

17 Well, Mr. Didani, how can they argue against you if
18 they don't even know the cases you're going to cite, that's why
19 it can't be oral. Okay?

20 **THE DEFENDANT:** But, see, your Honor --

21 **THE COURT:** So, Mr. Didani, I'm cutting you off.

22 Okay? I'm just going to be clear. I'm cutting you off so we
23 can move forward.

24 **THE DEFENDANT:** I appreciate that.

25 **THE COURT:** And that said, I'm going to order Mr. --

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1 I guess I'll have to order Mr. Kaplan to appear.

2 Mr. Fink, you should tell him I'm going to order him
3 to appear.

4 **MR. FINK:** I will. And I will try to facilitate the
5 night before so that we can meet in Milan. I'll do the best I
6 can to facilitate that, Judge.

7 **THE COURT:** And I'm going to -- can we set it for
8 morning so that we can get Mr. Didani back to where he wants to
9 go?

10 **THE DEFENDANT:** Maybe you can help me out.

11 **THE COURT:** With Milan?

12 **THE DEFENDANT:** You know --

13 **THE COURT:** You want to be there?

14 **THE DEFENDANT:** I'll be suffering from, I guess, from
15 something for eight months, your Honor, and, you know, Milan,
16 they say we don't have the manpower to take you to the doctor,
17 because every time, your case being so high -- it's been seven,
18 eight months I been suffering with something. If they can't
19 take me out, please, can you allow then to bring a doctor
20 inside so maybe I can -- look at how I look, your Honor.

21 **THE COURT:** Okay.

22 **THE DEFENDANT:** Eight months.

23 **THE COURT:** All right. Here's what -- you know, I
24 can't tell --

25 **THE DEFENDANT:** I'm lost.

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1 **THE COURT:** So have you seen a medical professional?

2 **THE DEFENDANT:** No, your Honor. Only they got -- in
3 Milan, only they got is a nurse practitioner.

4 **THE COURT:** Okay. But the nurse practitioner can
5 make a referral that you see the doctor. Okay? So ask the
6 nurse practitioner that. And I'm going to direct the marshals
7 to indicate that he needs to see a health professional. Okay?

8 **THE MARSHAL:** Yes, your Honor.

9 **THE COURT:** All right. And you'll do that today?

10 **THE MARSHAL:** Yes, your Honor.

11 **THE COURT:** Okay. So I'm going to order Mr. Kaplan
12 to appear and it's going to be May 22nd at 9:00. That will
13 give us enough time to get you back there. It will also be
14 enough time so that you can see a health care professional
15 during that time.

16 And will the marshals tell the authorities that -- at
17 Milan that I want him to see a health professional before he
18 comes back to court?

19 **THE MARSHAL:** Sure.

20 **THE COURT:** Okay. All right. And it'll be at 9:00,
21 gentlemen. Okay?

22 **THE DEFENDANT:** And I apologize for my -- if I
23 disrespected to your court.

24 **THE COURT:** I just don't like people to start yelling
25 at me when they really --

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1 **THE DEFENDANT:** Your Honor --

2 **THE COURT:** -- want to yell at somebody else.

3 **THE REPORTER:** One at a time, please.

4 **THE DEFENDANT:** -- please. Your honor, please.

5 **THE COURT:** Well, the one at a time will be me,

6 Mr. Didani, just so that you know. I'm not meaning any
7 disrespect, but I don't really think you want to yell at me; I
8 really think you want to yell at everybody else.

9 **THE DEFENDANT:** I know.

10 **THE COURT:** So don't make me --

11 **THE DEFENDANT:** Your Honor --

12 **THE COURT:** So don't make me the victim. Okay?

13 **THE DEFENDANT:** Your Honor, you know, I -- you know,
14 I look at your work, I look at your opinions for so many years.
15 I know you've been assigned in '97 and you become a judge now,
16 your Honor, but, as I said, the two gentlemens [sic] over here,
17 they brought an MDLEA case, your Honor. None of the two
18 gentleman have an idea what's an MDLEA, your Honor.

19 **THE COURT:** All right. Now --

20 **THE DEFENDANT:** I just want to make it clear, these
21 guys cannot even argue the MDLEA. They don't even -- They know
22 why.

23 **THE COURT:** Okay.

24 **THE DEFENDANT:** I just want to put that in the
25 record.

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1 **THE COURT:** All right. And I want you to discuss the
2 cases that you have with Mr. Kaplan when you meet with him.
3 Okay?

4 **THE DEFENDANT:** Yes, your Honor.

5 **THE COURT:** All right.

6 **THE DEFENDANT:** I appreciate, your Honor.

7 **THE COURT:** May 22nd at 9:00. All right?

8 **MR. BILKOVIC:** Thank you, your Honor.

9 **THE COURT:** And be prepared to set a trial date.

10 Okay?

11 **MR. BILKOVIC:** Yes, your Honor.

12 (At 9:44 a.m., proceedings adjourned.)

13 - - -

14 **C E R T I F I C A T I O N**

15 I certify that the foregoing is a correct
16 transcription of the record of proceedings in the
17 above-entitled matter.

18

19 s/ Timothy M. Flory, CSR-5780
20 Timothy M. Flory, CSR-5780
Official Court Reporter

7/17/2024
Date

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